

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 27 2010

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY BS DEPUTY

ANTHONY ROSHON ROBERTS, SR.,)

Petitioner,)

vs.)

WARDEN, JOSEPH TAYLOR,)

CIMARRON CORR. FACILITY,)

Respondent.)

No. CIV-10-694-W

ORDER

On July 8, 2010, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that the Court transfer the action to the United States District Court for the Eastern District of Oklahoma. The parties were advised of their right to object to the Report and Recommendation. Petitioner Anthony Roshon Roberts, Sr., has advised the Court that he has no objection to the proposed transfer. See Doc. 8.

Roberts has filed a Petition for Writ of Habeas Corpus ("Petition") seeking relief under title 28, section 2254 of the United States Code, and he has challenged therein a judgment of conviction and sentence imposed by the District Court for LeFlore County, Oklahoma. Roberts is incarcerated in Cimarron Correctional Facility, which is located within the territorial jurisdiction of the Western District of Oklahoma. The District Court of LeFlore County, Oklahoma, is located within the territorial jurisdiction of the Eastern District of Oklahoma.

Title 28, section 2241(d) of the United States Code requires petitions seeking relief under section 2254 to "be filed in the district court for the district wherein . . . [the petitioner]

is in custody or in the district court for the district within which the State court was held which convicted and sentenced him" 28 U.S.C. § 2241(d). Accordingly, the United States District Court for the Eastern District of Oklahoma has concurrent jurisdiction with this Court to determine the issues presented in Roberts' Petition. E.g., id.


Based upon a de novo review of the record, which includes Roberts' consent to the transfer and which demonstrates that relevant factors weigh in support of a transfer, the Court concurs with Magistrate Judge Bacharach's recommended disposition of this matter.¹

Accordingly, the Court

(1) ADOPTS the Report and Recommendation filed on July 8, 2010; and

(2) DIRECTS the Clerk of the Court to transfer Roberts' Petition to the United States District Court for the Eastern District of Oklahoma.

ENTERED this 27th day of July, 2010.


LEE R. WEST
UNITED STATES DISTRICT JUDGE

¹Because the Court has determined that a transfer of this matter is warranted, the Court leaves to the transferee court Roberts' requests for assistance and for appointment of counsel. See Doc. 8.